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DOCKET NO. D-1989-063 CP-2

DELAWARE RIVER BASIN COMMISSION

Downingtown Municipal Water Authority

Surface Water and Groundwater Withdrawal

Downingtown Borough, Chester County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an Application submitted by Cardno BCM on behalf of Downingtown Municipal Water Authority (DMWA or docket holder) to the Delaware River Basin Commission (DRBC or Commission) on January 2, 2013 (Application), for the review and approval of a new groundwater well and the renewal of an allocation of surface water. The prior docket was approved by the Commission on May 23, 1990. The surface water withdrawal project was approved by the Commonwealth of Pennsylvania Department of Environmental Resources, Bureau of Water Resources Management on June 5, 1990 (Water Allocation Permit No. WA-15-47A). The new project well (Well No. DPW-1) was reviewed under the Pennsylvania Safe Drinking Water Act for public water supply permits and approved by the Pennsylvania Department of Environmental Protection (PADEP) in correspondence dated November 28, 2012 to the Commission (Application No. 1512511) contingent on Commission approval.

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the Delaware River Basin Compact. The Chester County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on March 5, 2013.

A. DESCRIPTION

1. Purpose. The purpose of this project is to approve a withdrawal of up to 44.64 million gallons per month (mgm) of groundwater from new Well No. DPW-1 for public water supply. The well is to be used only as an emergency/backup supply when DMWA's existing surface water withdrawal is disrupted or to blend well water with surface water withdrawals during periods of high turbidity following heavy precipitation events and during occasional releases of poor water quality from Marsh Creek Reservoir. This docket retains DMWA's existing surface water withdrawal allocation of 77.5 mgm (2.5 mgd); which is sufficient to meet the current and projected water demands. Additionally, when the well is in operation, the total combined surface water and groundwater withdrawal is limited to a maximum of 2.5 mgd or 77.5 mgm.

2. **Location.** Well No. DPW-1 is completed in the Ledger Formation in the East Branch Brandywine Creek Watershed. The existing surface water withdrawal is located in the East Branch Brandywine Creek downstream from the Marsh Creek Reservoir. The groundwater and surface water sources and the water treatment plant are located within the Borough of Downingtown, Chester County, Pennsylvania.

Specific location information has been withheld for security reasons.

3. **Area Served.** DMWA provides water service to the entire Borough of Downingtown and the adjacent portions of Caln, East Caln, East Brandywine, and West Bradford Townships, all in Chester County, Pennsylvania. The service area is outlined on a map entitled “Downingtown Municipal Water Authority Water System” submitted with the Application. The Borough maintains a bulk water sale interconnection (maximum of 0.5 mgd) with Aqua Pennsylvania, Inc. (Aqua PA) which it uses to serve its customers in East Brandywine, West Brandywine, and Caln Townships all in Chester County, Pennsylvania. The interconnection was approved by the Commission via Docket D-2003-33 CP issued to Aqua PA on April 21, 2004. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. **Physical features.**

a. **Design criteria.** The DMWA public water system includes an existing surface water intake located on the East Branch Brandywine Creek, a water treatment filtration plant (WTP), two finished water storage reservoirs, and associated water distribution infrastructure. New Well No. DPW-1 is proposed as a backup/emergency well to supplement DMWA’s surface water withdrawal. The development of Well DPW-1 will secure a groundwater-based supply to provide a reliable supply of safe drinking water for DMWA’s customers. When needed, groundwater pumped from Well No. DPW-1 will be transferred via 12-inch diameter pipe to the existing WTP intake pumping station and treated at DMWA’s water treatment filtration plant. The docket holder expects that the well will be operated approximately 40 days per year at a flow rate of up to 1.44 million gallons per day.

The Borough currently provides public water for a population of approximately 9,850 people via 3,028 domestic service connections and 543 commercial, industrial, and institutional service connections with a current average and maximum water demand of 1.52 million gallons per day (mgd) and 2.28 mgd, respectively. The 10-year average and maximum system demand is estimated to be 1.53 mgd and 2.3 mgd, respectively.

b. **Facilities.** The existing and proposed project facilities have the following characteristics:

Groundwater Well

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
DPW-1 (new)	205'	50' / 10"	1,000 gpm	2010

Surface Water Intake/Reservoir

INTAKE NO.	WITHDRAWAL WATER BODY	WITHDRAWAL CAPACITY	Q7-10	YEAR CONSTRUCTED
East Branch Brandywine Creek	East Branch Brandywine Creek	2.5 mgd	15 cfs	1992

cfs = Cubic Feet per Second

Raw water from the intake located in the East Branch Brandywine Creek is pumped to the DMWA WTP where it is treated by oxidation, coagulation, flocculation, settling, adsorption, filtration and disinfection processes. Raw water from the East Branch Brandywine Creek flows by gravity to the raw water intake pumping station where chemical additions are made. The pumping station contains two (2) 1,750 gpm variable speed drive pumps that transfers water into the treatment facility. Initially, the raw water passes through one of two inclined plane settler units and then into two rectangular upflow contact clarifiers with facilities for chemical additions. Water then passes through mixed media filters (4 trains) and is disinfected with chlorine. Finished water is temporarily stored in two (2) clear wells prior to distribution.

The major facilities associated with the construction and operation of well DPW-1 includes an elevated concrete block well house surrounding well DPW-1. A 30 horse power, 1,000 gpm capacity pump with variable speed drive will pump water through a 12-inch transmission main to the existing WTP Intake pumping station wet well. The wet well will be modified to prevent flow from the well from scouring and stirring up any accumulated sediment in the wet well.

The WTP clarifiers and filters are backwashed to unnamed tributary to Beaver Creek, which is a tributary to East Branch Brandywine Creek. The filter backwash discharge was approved by the DRBC in Docket No. D-2006-31 CP-1 on February 28, 2007. Docket No. D-2006-31 CP-1 expired on September 30, 2007. Decision Condition II.dd. of this docket requires DMWA to submit a renewal application to the Commission for Docket No. D-2006-31 CP-1 by May 6, 2013.

The WTP project including an allocation of 75 mg/30 days (2.5 mgd) of surface water from the East Branch Brandywine Creek was approved by Docket No. D-89-63 CP on May 23, 1990. The former WTP utilized surface water sources located on Beaver Creek and Copeland Run; however the plant and these sources were abandoned and replaced by the existing WTP and a single intake on the East Branch Brandywine Creek. The existing plant was placed into operation on September 2, 1994.

Total finished water storage is 4.5 mg or approximately 3 days of supply.

All water service connections are metered.

All withdrawals are or will be metered.

Well No. DPW-1 is located in the 100-year floodplain and as such is required to be flood-proofed or flood protected. The proposed well house floor will be constructed at an elevation of 241.0 feet above mean sea level (MSL) which is 3.5 feet above the 100-year flood elevation of 239.5 feet above MSL and meets Commission floodplain requirements for flood protection.

The water system is interconnected with Aqua PA. The interconnection is regularly used to provide Aqua with water; however, flow can be reversed to provide DMWA with water from Aqua PA.

c. **Other.** Wastewater from the service area is conveyed to the Downingtown Area Regional Authority (DARA) wastewater treatment plant most recently approved by DRBC Docket No. D-1998-033 CP-3 on May 10, 2012. The PADEP issued its most recent NPDES Permit No. PA0026531 on December 3, 2012 for this treatment facility. The DARA wastewater treatment plant has adequate capacity to continue to receive wastewater from the project.

The docket holder's participation in funding the Marsh Creek Dam Project, a multipurpose reservoir located in Upper Uwchlan Township, Chester County, resulted in a proportional reserve of 3.8 mgd for the docket holder's future water supply needs. This supply is made available to DMWA at its intake on East Branch Brandywine Creek by making necessary supplemental releases from Marsh Creek Reservoir, to make up for consumptive or depletive water use.

The Marsh Creek Reservoir is operated in accordance with the "Revised Operating Procedures for Marsh Creek Reservoir", which was approved via Resolution for the Minutes on March 27, 1974. The operating procedures include:

- a. Whenever the flow of Brandywine Creek at the Chadds Ford stream gage is 140 cfs or greater, a flow augmentation discharge of 1cfs will be made from the reservoir when the natural flow at the proposed Downingtown intake on the East Branch, not including natural runoff from the area above Marsh Creek Reservoir, is 23.5 cfs or more; when the natural flow at the intake is less than 23.5 cfs, the flow augmentation discharge from the reservoir will be increased to 3 cfs.
- b. Whenever the flow at Chadds Ford is less than 140 cfs, the release from Marsh Creek Reservoir will not be less than (1) the unregulated flow of Marsh Creek at the dam, plus (2) any withdrawal from the East Branch of Brandywine Creek to the Borough of West Chester.

d. **Cost.** The total cost of this project is expected to be \$450,000.

e. **Relationship to the Comprehensive Plan.** The DMWA surface water withdrawal was added to the Comprehensive Plan by Docket No. D-89-63 approved on May 23, 1990. The emergency/backup groundwater withdrawal will be added to the Comprehensive Plan upon approval of this docket.

Combination Dockets Nos. D-64-15 CP and D-64-35 CP approved on January 26, 1966, granted approval for Marsh Creek Reservoir and limited diversion for West Chester Area Municipal Authority (WCAMA), respectively. Docket No. D-75-19 CP granted approval for an increased withdrawal from the East Branch Brandywine Creek to the WCAMA on August 24, 1977. The "Revised Operating Procedures for Marsh Creek Reservoir" was approved on March 27, 1974.

The "Brandywine Creek Watershed Plan" was originally included in the Phase I Comprehensive Plan March 28, 1962 and was developed to provide flood control, reservoirs for water supply, recreation, and to improve low flow and water quality characteristics of the Brandywine Basin in the State of Delaware.

The intake is located approximately two (2) River Miles upstream of the Lower Brandywine Scenic River on the East Branch Brandywine Creek as designated under Pennsylvania's Scenic Rivers Act (No. 283 of 1972) and included in the Comprehensive Plan by Docket No. D-88-48 CP on September 27, 1989.

B. FINDINGS

DMWA is requesting Commission approval of a new groundwater source (Well DPW-1) that will be used only as a backup/emergency source to supplement its existing surface water supply. Currently, the DMWA public water system is supplied only by surface water withdrawn from the East Branch Brandywine Creek. When the raw water supply is disrupted, DMWA's storage is sufficient for only 2 to 3 days of supply.

DMWA also plans to blend well water with surface water withdrawals during periods of high turbidity following heavy precipitation events and during occasional releases of poor water quality from Marsh Creek Reservoir. The blending of groundwater during these times will facilitate the water treatment process, reducing the demand of water treatment chemicals and associated costs. DMWA estimates that Well DPW-1 will be operated approximately 40 days per year and only a few days at a time. DMWA indicated that additional groundwater sources may be developed for more conjunctive use in the future. These additional groundwater sources require Commission approval. DMWA shall apply to the Commission for such approval at least one year in advance of its need for the additional sources. No withdrawal from proposed sources may be initiated without Commission approval (see Condition II.bb in the Decision Section of this docket).

DPW-1 Pumping Test

From August 2 to August 4, 2011, a pumping test was conducted on Well No. DPW-1 to assess the withdrawal capabilities of the well and identify any potential impacts to the local hydrologic system. The discharge rate was maintained at 997 gallons per minute (gpm) for a duration of 50.25 hours. During the test, discharge from the pumping well was piped to the raw water intake and treated at the DMWA WTP for use as potable water.

Groundwater monitoring was conducted in the pumping well (Well No. DPW-1), six (6) monitoring wells (MW-1 through MW-5 and Well DPW-2), and two shallow piezometers (PZ-A and PZ-B) installed near an unnamed tributary to Beaver Creek. Water levels were also measured at two stream locations near the piezometers in the unnamed tributary to Beaver Creek. All of the monitoring points were installed for purposes of the hydrogeologic study. Several of the monitoring well locations were selected with input from the United States Army Corps of Engineers (USACE) for the purpose of monitoring water levels in the vicinity of an approximate 9-acre constructed wetland located east of Well No. DPW-1. The wetlands were constructed by the Pennsylvania Department of Transportation (PennDOT) as part of the mitigation requirements for the construction of the Route 30 Downingtown Bypass.

Prior to the start of the pumping test, the static water level in production well DPW-1 was 5.77 feet below top of casing. At the end of the pumping test, the water level in the production well was 16.70 feet, for a drawdown of 10.93 feet. After the completion of the pumping test, water levels in well DPW-1 recovered 90 percent within 24 hours.

With the exception of the two stream monitoring points and PZ-B, drawdown as a result of the withdrawals at DPW-1 was observed in all of the monitoring points. At the monitoring wells, drawdown ranged from 1.6 feet in MW-3 (the most distant monitoring well located 517 feet from well DPW-1) to 6.6 feet in MW-5 (the closest monitoring well located 59 feet from DPW-1). Drawdown in monitoring wells MW-1 and MW-2, located in the topographically higher portion of the PennDOT constructed wetland was 2.16 feet and 1.80 feet, respectively.

The water levels in the stream were not measurably affected during the DPW-1 pumping test. However, piezometer (PZ-A) installed in the shallow groundwater system between the pumping well and the unnamed tributary appeared to have experienced approximately 4.9 feet of drawdown, which differed from the listed drawdown in the 2011 Hydrogeological Report and narrative in the Supplement to the November 2011 Hydrogeological Report. This coupled with the location of the well relative to the PennDOT constructed wetland and potential increases in future groundwater withdrawals at the site warrants that a monitoring program be implemented to assess any long-term effects of the withdrawals on the local hydrogeologic system in the area.

The docket holder submitted a suggested monitoring plan to the Commission on February 7, 2013. The monitoring plan was reviewed by Commission staff and was found to be acceptable with the modifications herein. The docket holder shall measure water levels at the following locations: Production well DPW-1, monitoring wells MW-1, MW-2, MW-3, MW-4, MW-5, DPW-2, and Piezometer PZ-A. In addition to wells MW-3 and MW-5 that the docket holder planned to measure with pressure transducers, MW-2 and PZ-A shall also be monitored with pressure transducers. Water levels at all other monitoring points shall be measured

manually using a well tape or wire-line probe at a frequency of one measurement per week. Water level monitoring must commence at least 1 month prior to any withdrawals at well DPW-1. The electronic data and manual water level measurements shall be submitted to the Commission on a quarterly basis in electronic format as proposed in the suggested monitoring plan. The monitoring program will be evaluated annually by Commission staff in consultation with PADEP and USACE staff to determine if any modifications (monitoring locations, monitoring and/or reporting frequency, etc.) are appropriate.

All monitoring data, including records required in Conditions "II.f." and "II.k." in the Decision Section of this docket shall be submitted to the Commission annually beginning one month after the first year of operation. The docket holder is encouraged to submit the annual report electronically. The report shall be prepared by a Hydrogeologist and shall assess the effects of well withdrawals on the local hydrogeologic system. This report shall include an evaluation of the monitoring data required by this docket approval and such information as deemed appropriate by the Hydrogeologist or required by the Executive Director.

In its 1990 Report on the Water Allocation Permit Application, PADEP recommended a release from the Marsh Creek Reservoir of 20 percent (the estimated consumptive use) of the applicant's daily withdrawal whenever the flow at Chadds Ford is below 140 cfs. This release would be added to the release of exported water from West Chester and West Whiteland Township and the required unregulated passby flow at Marsh Creek Dam to obtain the total Marsh Creek Reservoir release requirement whenever flows are below 140 cfs at Chadds Ford.

Surface Water Charges

Surface water withdrawals from the intake on the East Branch Brandywine are subject to surface water charges. DMWA was previously issued Certificate of Entitlement No. 326 on August 23, 1976 for the former Beaver Creek and Copeland Run surface water withdrawals. The entitlement was rescinded on December 23, 1994 after these intakes were abandoned and withdrawals from the East Branch Brandywine Creek began. The docket holder shall continue to submit surface water charges in accordance with the provisions of Resolution No. 74-6, as amended as described in Condition C.II.g. in the Decision section of this docket.

Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd

Section 2.1.8 of the Water Code states that it is the policy of the Commission to establish a standardized water audit methodology for owners of water supply systems serving the public to ensure accountability in the management of water resources. Voluntary Water Audits were encouraged for public water supply systems through December 31, 2011 (Section 2.1.8.B.). Effective January 1, 2012, the owners of each public water supply system are required to implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance (Section 2.1.8.C). Water audits shall be submitted annually to the Commission by March 31 every year.

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

The DRBC estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of 10 percent of the total water use. For purposes of determining supplemental water release from Marsh Creek Reservoir, the peak consumptive use is estimated to be 20 percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-1989-063 CP-2 below:

- a. The project described in Docket No. D-89-63 CP is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1989-063 CP-2; and
- b. Docket No. D-89-63 CP is terminated and replaced by Docket No. D-1989-063 CP-2.
- c. The project and the appurtenant facilities described in the Section A “Physical features” shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section A “Physical features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

- a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its public water supply and water allocation permits, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. The docket holder shall register with the PADEP all surface and ground water sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).
- b. The intakes, wells and operational records shall be available at all times for inspection by the DRBC.
- c. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.
- d. Well No. DPW-1 shall be used only as an emergency/backup supply when DMWA’s existing surface water withdrawal is disrupted or to blend well water with surface water withdrawals during periods of high turbidity following heavy precipitation events and during occasional releases of poor water quality from Marsh Creek Reservoir. No intake or well shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

INTAKE/WELL NO.	MAXIMUM INSTANTANEOUS RATE	MONTHLY ALLOCATION
East Branch Brandywine Creek Intake	2.5 mgd	77.5 mg
Well DPW-1	1,000 gpm	44.64 mg

Additionally, when in use, the combined withdrawal from all sources shall not exceed 77.5 million gallons per month.

e. The well shall be equipped with a readily accessible capped port and minimum ½ inch inner diameter (ID) drop pipes so that water levels may be measured under all conditions.

f. A groundwater monitoring program is required to obtain data on groundwater conditions in the project area. At least one month prior to the operation of Well No. DPW-1, the docket holder shall implement the groundwater monitoring program as submitted by the docket holder and modified herein. This program will include the following:

1. **Groundwater Level Monitoring** - The docket holder shall measure water levels at the following locations: Production well DPW-1, monitoring wells MW-1, MW-2, MW-3, MW-4, MW-5, DPW-2, and Piezometer PZ-A. In addition to wells MW-3 and MW-5 that the docket holder planned to measure with pressure transducers, MW-2 and PZ-A shall also be monitored with pressure transducers. Water levels at all other monitoring points shall be measured manually using a well tape or wire-line probe at a frequency of one measurement per week. The electronic data and manual water level measurements shall be submitted to the Commission on a quarterly basis in electronic format as proposed in the suggested monitoring plan. The monitoring program will be evaluated annually by the Commission staff in consultation with PADEP and USACE staff to determine if any modifications (monitoring locations, monitoring and/or reporting frequency, etc.) are appropriate.

2. **Reports** - All monitoring data, including records required in Conditions "II.f." and "II.k." herein shall be submitted to the Commission annually beginning one month after the first year of operation. The docket holder is encouraged to submit the annual report electronically. The report shall be prepared by a Hydrogeologist and shall assess the effects of well withdrawals on the local hydrogeologic system. This report shall include an evaluation of the monitoring data required by this docket approval and such information as deemed appropriate by the Hydrogeologist or required by the Executive Director.

g. The Executive Director may modify or extend the monitoring program or temporarily suspend or modify this docket at any time if review of the hydrologic data and/or any other information indicates such action is necessary or appropriate.

h. The docket holder shall continue to pay for surface water use in accordance with the provisions of Resolution No. 74-6, as amended.

i. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The Statement must (a) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (b) report the project’s final construction cost as such cost is defined by the project review fee schedule in effect at the time application was made; and (c) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the applicant to calculate the DRBC project review fee, the statement must also include (d) the amount of any outstanding balance owed for DRBC review. Such outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project’s final cost, using the formula and definition of “project cost” set forth in the DRBC’s project review fee schedule in effect at the time application was made.

j. This approval of the construction related to Well No. DPW-1 as described in paragraph A.4.a of this docket shall expire three years from date below unless prior thereto the docket holder has commenced operation of the subject project or has provided the Executive Director with written notification that is has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

k. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.

l. Each new water service connection shall include a water meter in accordance with the DRBC’s Resolution No. 87-7 (Revised).

m. In accordance with DRBC Resolutions No. 87-6 (Revised) and No. 2009-1, the docket holder shall continue to implement to the satisfaction of the PADEP, the systematic program to monitor and control leakage within the water supply system. The program shall at a minimum include: periodic surveys to monitor leakage, enumerate non-revenue water and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a schedule for the implementation of such recommendations. The docket holder shall proceed expeditiously to correct leakages and unnecessary usage identified by the program.

n. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the Water Code, the docket holder shall implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding guidance. Water audits shall be submitted annually to the Commission by March 31 every year.

o. The docket holder shall implement to the satisfaction of the PADEP, the continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

p. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

q. The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

r. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

s. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams.

t. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

u. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

v. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

w. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

x. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend,

alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

y. If the monitoring required herein, or any other data or information demonstrates that the operation of this project significantly affects or interferes with any domestic or other existing uses of ground or surface water, or if the docket holder receives a complaint by any existing ground or surface water users within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by any ground or surface users within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. The docket holder should direct phone call notifications of potential well or surface water interference or complaints of interference to the DRBC Project Review Section at 609-883-9500, extension 216. Oral notification must always be followed up in writing directed to the Executive Director. In addition, the docket holder shall provide written notification to all potentially impacted users of wells or surface water supplies of the docket holder's responsibilities under this condition. Any ground or surface water user which is substantially adversely affected, rendered dry or otherwise diminished as a result of the docket holder's project withdrawal, shall be repaired, replaced or otherwise mitigated at the expense of the docket holder. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as practicable. The Executive Director shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required.

z. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

aa. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

bb. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

cc. DMWA indicated that additional groundwater sources may be developed for more conjunctive use in the future. These additional groundwater sources require Commission approval. DMWA shall apply to the Commission for such approval at least one year in advance of its need for the additional sources. No withdrawal from proposed sources may be initiated without Commission approval.

dd. The docket holder shall submit a renewal application for Docket No. D-2006-31 CP-1 to the Commission by May 6, 2013.

BY THE COMMISSION

APPROVAL DATE:

EXPIRATION DATE: March 6, 2023

DRAFT